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C O N F I D E N T I A L SECTION 01 OF 03 MANILA 001706

SIPDIS

STATE FOR EAP AND DRL

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TAGS: [PHUM](#) [PREL](#) [RP](#)

SUBJECT: RAMPING UP INVESTIGATION AND PROSECUTION OF LABOR
AND OTHER EXTRAJUDICIAL KILLINGS

REF: A. STATE 10273

[1](#)B. MANILA 667

Classified By: Ambassador Kristie A. Kenney
for reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: The Philippine Government is ramping up the investigation and prosecution of labor killings following intense discussion between various Mission officials and key Philippine government leaders, even as the country witnesses a downward trend in extrajudicial killings (EJKs) for the second straight year. Three agencies in particular have been responsive to Post's repeated efforts to focus their attention on EJKs and they are now taking more proactive roles in addressing labor-related killings and disappearances. The Philippine National Police (PNP) have tasked a special investigative team to commence a data-collection and analysis effort for labor-related cases. The Department of Justice has undertaken a review of labor-related cases for special monitoring and has identified 12 incidents that will be investigated, while its Task Force 211, charged with EJK prosecutions, has made progress in several high-profile cases, including one labor-related case. Recently appointed Labor Secretary Marianito Roque is coordinating with other concerned Cabinet officials on how best to structure an International Labour Organization (ILO) technical mission into the country. END SUMMARY.

POLICE PLEDGE MORE ACTIVE ROLE

[1](#)2. (C) Ambassador and senior Mission officials have followed up on the Generalized System of Preferences (GSP) demarche (ref a) delivered in February to Philippine government officials (ref b). Post continues to engage the top levels of the Philippine government to reinforce the urgency of substantive action to address the GSP subcommittee's concerns both in investigating abductions and murders and in allowing greater freedom for trade unions throughout the country. In a July 3 meeting with Polcouns, Philippine National Police (PNP) General Jefferson Soriano, chair of PNP's Task Force USIG, which is charged with investigating EJKs, committed to set up a special investigative team focused specifically on labor-related abductions and killings. He said that PNP would begin collecting evidence and information from local police commands in whose districts incidents were alleged to have occurred, noting it would take several weeks to gather information from the field and analyze the data. Soriano offered to present to the Embassy the results of the inquiry as soon as they become available.

MONITORING LABOR KILLING PROSECUTIONS

13. (C) Department of Justice (DOJ) Undersecretary Ricardo Blancaflor, Head of DOJ's Task Force 211, a body charged with prosecuting EJK cases, told Polcouns that Task Force 211 was closely monitoring four labor-related cases and was compiling a master list of cases thought to be labor-related. In a June 27 letter, Blancaflor provided further details about DOJ's efforts, listing three labor-related cases currently under prosecution; eight other cases Task Force 211 was actively investigating that involved labor organizations and businesses, such as the KMU-affiliated Kadamay organization, the National Federation of Sugar Workers, Hacienda Luisita, and the Nestle Cabuyao factory; and 12 other labor-related incidents at different businesses spanning the past several years that Task Force 211 had identified for follow-up.

CABINET OFFICIALS TO WEIGH ILO MISSION

14. (C) Ambassador on July 16 discussed the GSP issue with Secretary of Foreign Affairs Alberto Romulo, and encouraged Romulo to support an International Labour Organization (ILO) technical mission to review workers' rights protections in the Philippines. Secretary Romulo said he fully supported the mission and would reach out to his Labor colleague, newly named Secretary Marianito Roque, to make his support known. Separately, in a July 7 meeting, the political and economic counselors encouraged Secretary Roque to move rapidly on the proposed ILO technical mission. Counselors also urged Roque to issue regulations that define "essential services" in the context of the Philippine government's assumption of jurisdiction in labor disputes and to follow up in strengthening other worker rights protections. Roque

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expressed deep concern about any labor-related killings, and reiterated the Philippine government's opposition to such crimes. He also noted that he discussed with other agency heads and the office of President Arroyo the possibility of an ILO technical mission to the Philippines. Roque said he met ILO Director of International Labor Standards Cleopatra Doumbia-Henry in Manila in late April, and that the Philippine government and ILO were still discussing what the parameters of an ILO mission might be.

15. (C) Separately, Felicitas Bay, Director of International Labor Affairs at the Labor Department, said the Department was currently negotiating with the ILO International Labor Standards Division regarding the conditions for the proposed technical mission and expressed confidence that the visit would take place. She said the Department had sent formal communications to various government agencies presenting the ILO proposal, background of the ILO convention governing labor rights, and a list of allegations of labor rights violations. Bay said Secretary Roque was positive about the ILO mission but, given his recent arrival at the Department, sought input from other agencies before taking a position. A contact at the Manila ILO office noted that, unlike former Secretary Brion, Roque was clearly receptive to the visit and was hopeful it would go forward.

MOVEMENT ON ONE LABOR CASE AND OTHER EJK CASES

16. (U) Significant movement in six EJK cases, including one labor case, illustrates that the DOJ's Task Force 211 is capable of pushing prosecutions forward in spite of the inefficiencies of the Philippine judicial system. On May 21, following the failure of the Philippine National Police (PNP) to deliver two arrest warrants, the AFP finally surrendered one of its members who is a suspect in the 2005 killing of union leader Ricardo Ramos, who had led wage negotiations at Hacienda Luisita, owned and operated by the Cojuangco family of former President Aquino. Five non-labor related cases have also moved forward. The first conviction this year for the murder of a political activist occurred on June 10, when a man was sentenced to life imprisonment for killing leftist

peasant organization leader Jose Doton in May 2006. The trial in Manila of 11 defendants in the 2000 murder of political adviser Buddy Dacer and his driver by rogue elements of the PNP has been ongoing since their arraignment in January 2007. It is expected that the prosecution case will rest in September. Trials will begin in Cebu on August 4 and October 1 for suspects in the unrelated murders of two journalists from Aklan province. Finally, murder charges have been filed against three jail personnel in Metro Manila for the 2006 death of a 17 year-old boy in their custody.

RENEWED VIGOR IN THE ARMED FORCES
AND THE HUMAN RIGHTS COMMISSION

17. (U) Both the Armed Forces of the Philippines (AFP) and the Commission on Human Rights have approached EJKs with renewed vigor. New AFP Chief of Staff General Alexander Yano in May assured the public he would personally turn over to civilian authorities any AFP members involved in summary executions and human rights abuses. Yano also issued strict orders to his field commanders to implement the national policy against human rights violations. With regard to the Commission on Human Rights (CHR), there is fresh hope that under the watch of the CHR's new Chair, Attorney Leila de Lima, the Commission will take a more active role in solving EJK cases. Since her assumption of duties in May, De Lima has increased the visibility of human rights issues through her staunch public criticism of military and police abuses. She supports prosecutorial immunity for persons, including military agents, who could testify on political killings and disappearances. She also wants to use an allocation of 25 million pesos (about \$556,000) from the President to establish an independent forensics center to solve EJK cases.

OBSERVER COMMENDS THE DECLINE IN EJKs

18. (U) In his June 2 report to the UN Human Rights Council in Geneva, UN Rapporteur Philip Alston praised the Philippine Government for major improvements in handling human rights abuses, noting that incidents have decreased significantly, as reported by the vocal human rights group Karapatan, which had counted 70 EJKs in 2007 and only 14 thus far in 2008.

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President Arroyo and the Philippine Commission on Human Rights welcomed Alston's constructive comments and reiterated that freedom and democracy are core values of President Arroyo's administration. With capacity building programs institutionalized and stronger cooperation with civil society organizations, the Commission hopes to more effectively monitor the government and provide protection to citizens, especially in areas with major military operations.

KENNEY